

**ANDOVER BOARD OF HEALTH**  
**Minutes**  
**October 22, 2012, 6:00 P.M.**  
**CD&P First Floor Conference Room**  
**36 Bartlet Street**

The Board of Health Meeting was called to order at 6:00 p.m. Present were Ms. Candace B. Martin, Chairman, Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health. Dr. Donald H. Miller, Vice-Chairman was not present due to a scheduling conflict.

**I. Approval of Minutes**

- **September 17, 2012**

*Motion by Ms. Martin, seconded by Ms. Kellman to defer approval of the September 17, 2012 Board of Health Minutes until the next Board of Health Meeting of November 19, 2012 because Dr. Miller was not present this evening, and Ms. Kellman was not present last month. Unanimous approval.*

**II. Appointments & Hearings**

- **6:00 p.m. – Staff Member Visit – Health Agent Patty Crafts** – Health Agent, Patricia A. Crafts was present at the Meeting. Ms. Martin stated that the Board of Health (BOH) intended to have this open forum to see what Ms. Crafts has been working on, and to see if she needed any support from the BOH. Ms. Crafts stated that she has done Interdepartmental Reviews (IDR) for nineteen new Food Establishments this year alone. Three Restaurants are now open, four are still under construction and one still hasn't submitted the plan review paperwork. Some are overwhelmed with having to deal with Zoning, Health, Fire, Conservation and Town Clerk Departments. Some applicants have knowledge, but others have no food service background. Ms. Crafts works a lot on Temporary Food Permits throughout the year. Ms. Martin asked if the same people plan events every year. Ms. Crafts stated that a lot of the Temporary Food Permits are school related and the school personnel move on, so she is training people constantly on the procedure. Some people who have worked in other Towns don't have any idea of what is required in the Town of Andover because Andover has more procedures in place for Food Service Reviews than other Towns do. Right now the higher-end Mobile Food Service businesses are popular, which is creating a problem of where we can we put them. Fisichelli's Pastry Shop is now open, we have licensed Lady Jane's Gourmet Popcorn. My Brother's Place has closed and a new Thai restaurant is interested in moving into that space. Ms. Martin asked if the new permitting software has been any help with risk assessment, and Mr. Carbone stated that we are still not able to utilize the software like we want, but hope we will soon be able to. Right now we are preparing for license renewals. Ms. Crafts stated that she will be working on Medicare billing when the modem she needs to transmit the files comes in. Mr. Carbone stated that Ms. Crafts also is the main person that deals with beaver issues and trapping season begins on November

15<sup>th</sup>. Ms. Crafts also works on housing complaints as well as Housing Court issues which take up a lot of time. Ms. Martin offered the Board's assistance to Ms. Crafts if she ever needed help and thanked her for coming in.

- **6:10 p.m. – Benjamin Osgood, Jr. for Northfield Commons – Sewer Pump Station Special Permit** –Mr. Benjamin Osgood, Jr. was present at the Meeting. Mr. Carbone stated that last month this Hearing was continued because the legal ad was not published on time but the ad has now been published. The recommended changes were made to the pump maintenance schedule in the Operating Manual and were reviewed by Mr. Carbone & the Engineering Department. Mr. Osgood spoke with the owner last week who originally wanted to do a phased construction allowing the generator to be installed later in the phase, but that turned out not to be feasible, so they are going to put the generator to run the pump in first. Mr. Osgood stated that he would update the inconsistent data concerning calculations on the pump station notes to match the plan correctly. Mr. Carbone revised the conditions to remove any terminology concerning a phased construction plan.

*Motion by Ms. Martin, seconded by Ms. Kellman, to grant the Special Permit, subject to the following ten conditions:*

1. *The Special Permit to allow for a common sewer lift station and force main is granted subject to the following conditions, and based on the following documents:*
  - a. *Pump Station Maintenance Manual dated October 5, 2012.*
  - b. *Three pages of sewer service design, prepared by Pennoni Associates, Inc., and dated as follows:*
    - i. *PS-1, dated 7/25/08, revised 10/01/12*
    - ii. *PS-2, dated 11/02/10, revised 10/01/12*
    - iii. *PS-3, dated 10/01/12;*
2. *The Special Permit encompasses all gravity sewer services and mains serving Units 1, 2, 3, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31; the sewer lift station, alarm, emergency generator, and all related items; and the pressure line connecting the sewer lift station to sewer manhole 15;*
3. *Prior to the issuance of any foundation permit for these affected units, the gravity sewer main, sewer lift station, backup generator, and pressure sewer line shall be installed by the developer, and approved for use by the Andover Department of Public Work;*
4. *Prior to the issuance of any Certificate of Compliance following a sewer connection, the developer shall enter into a written agreement with a third party security company to monitor the high water alarm for the sewer lift station, and the station shall be connected via communications systems with that company. Monitoring of the high water alarm shall be in perpetuity, and a copy of a valid contract shall be filed annually with the Board of Health;*

5. *Northfield Commons Condominium Trust shall be responsible for the proper operation and maintenance of the affected sewer system, and shall ensure compliance with the approved Pump Station Maintenance Manual, as revised. This shall include ensuring that the required weekly, monthly, and biannual inspections are conducted and documented. Copies of these reports shall be made available to the Board of Health or its staff upon request within 24 hours of said request;*
6. *A minimum of the previous 5 years' worth of inspection reports and maintenance data shall be kept on site at all times. The data may be kept electronically provided there is a separate, off-site backup;*
7. *The Director of Public Health shall have the authority to approve minor changes to the Pump Station Maintenance Manual or sewer design plans, such as changes in names, companies, or contact information;*
8. *No changes to the Pump Station Maintenance Manual shall become effective until they are filed with the Health Division and department of Public Works;*
9. *A copy of this approval shall be filed at the Registry of Deeds;*
10. *Any violation of these conditions or of the Sewer Regulations would subject this Special Permit to revocation following a hearing by the Board of Health.*

*Unanimous approval.*

- **6:20 p.m. – Bill DuFresne for 15 Greenwood Road – Numerous Title 5 Variances and Local Upgrade Approvals** – Present were Engineer, William DuFresne and property owners, Fred and Jean Driscoll. Mr. DuFresne supplied Mr. Carbone with Certified Mail receipts from three abutters and the Driscoll's have also spoken with neighbors.<sup>1</sup> A notation was made that the plans are for a three bedroom design, not a four bedroom as in the original design. Mr. DuFresne informed the Board that the property directly abuts Fish Brook, and there is a wetland that borders the brook (BVW). Therefore, there are setback requirements from both the Brook, which is a tributary to the drinking water supply, and the vegetative wetland bordering the tributary to the drinking water, so there are stricter setbacks. Given the size of the lot & proximity to the Brook, there is no land available on the property that is 200' from the Brook, which is the requirement for the septic system and all the components of the system. If a septic system is upgraded and is put in and working property, it poses no threat to Fish Brook. This property has good sandy & gravelly soil conditions so there are no issues with that. He has put it in a location on the property that is as far removed from Fish Brook and the BVW as possible. The current system is right in front of the house about 50' from Fish Brook, and where it is being installed requires them to remove a portion of their driveway and pave another portion so they have a turnout.. Mr. DuFresne stated that the current system

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<sup>1</sup> Copies of the Certified Mail Receipts have been inserted in the packet after page 17.

is failing and the change in location is better than what exists today, and from an environmental standpoint, this is the best location for the system. Mr. Carbone recommended the LUA's and Variances because there is no better solution and this is the best design since sewer is not available. The Board decided that if it did not approve the LUA's and Variances, it would result in manifest injustice and with their granting the approval, the public and environmental health of the community would be properly protected. Mr. Carbone recommended sleaving the entire length of the 2" pressure line between the pump chamber and distribution box to avoid leakage, and Mr. DuFresne stated that the plans will be fixed to reflect that addition.

*Motion by Ms. Martin to approve the required Variances and Local Upgrade Approvals based on the following conditions:*

- 1. Prior to the issuance of any construction permit the approval for decisions from both Board of Health and Mass. DEP shall be filed with the Registry of Deeds;*
- 2. The septic system deed restriction shall be filed to restrict the design to three bedrooms, eight room total;*
- 3. A sleeve will be installed on the 2" pressure line;*
- 4. Before the issuance of the construction permit, the applicant shall obtain an Order of Conditions from the Andover Conservation Commissions.*

Concerning condition # 4, Mr. DuFresne stated that a Request for Determination of Applicability (RDA) is the Application that he intends to file and that an Order of Conditions cannot be filed with an RDA. Mr. Carbone suggested that the BOH state that the applicant obtain the approval of the Andover Conservation Commission.

*Ms. Martin modified her Motion on condition # 4 to state:*

- 4. Before the issuance of the construction permit, the applicant will be required to obtain approval from the Andover Conservation Commission.*

*Ms. Kellman seconded the motion with the modification. Unanimous approval.*

### **III. Discussion**

- **Board of Health (BOH) Vacancy** –Ms. Martin stated that there were two people in the Talent Bank, but was not sure if either would be a good fit. Mr. Carbone stated that Dr. Dunbar, former Board of Health Chairman, told him that he knew of an Oral Surgeon who may be interested in the position. He will call Mr. Carbone with the person's information. Ms. Martin asked if the Board could advertise the position in the Townsman. Mr. Carbone suggested that he talk with the Town Manager to see what he thought about speaking with a reporter to get an article out, not just for the BOH position, but focusing on outreach to people to volunteer their time to the Town. Mr. Carbone asked if the BOH members would like to invite the candidates to a BOH Meeting, and then make recommendations to the Town Manager. Ms. Martin responded that she would like to meet & have a conversation with any candidates that applied. Ms. Kellman stated that she

would be interested to hear their goals while meeting face to face. She also stated that she would like to screen the candidates on paper first. If the Board had a strong interest in a certain candidate, they could meet at the BOH Meeting or at a separate meeting. The BOH would like to have a Physician as a Member, but that could limit the pool. Mr. Carbone stated that someone with a medical background, such as a nurse, would be a good choice also.

- **Division Head / Board Chair Meeting** – Mr. Carbone stated that this was an opportunity to get the Boards together to discuss how things are going. He spoke about his project to do a top-to-bottom review of what we are spending our time on and determining what we really should or should not be doing. After review, we may find that some things are not required, but are still really important for us to be doing. Ms. Martin stated that when Ms. Crafts gave her presentation, she stated that she spends a lot of time on the events that take place in the Town. Ms. Martin suggested that maybe the School Department Food Services could put that function into their contract. Ms. Kellman asked what kind of things would fall into the category of non-required work. Mr. Carbone explained that some things we are doing now are not necessarily required, such as Title V Inspection review for compliance and use of garbage grinders, which the State does not require. The value of doing that is that we discover problems that would not have been found otherwise. We have to decide where we are going to put our resources and then build from there and document what is not getting done and why. Mr. Carbone stated that his goal is to have the BOH make some informed decisions and if we end up showing that everything is too important, then we need to find a way to free up time to work on them. In a conversation with the Town Manager, the subject of contracting out some of these functions came up and may be the way to go. Mr. Carbone does not anticipate that we will hire more staff; Mr. Tremblay, Health Inspector, only works nine hours a week now, and after he fully retires, Mr. Carbone does not see that position being refilled. Contracting out our food inspections may be an option we will have to seriously consider so we can then deal with only the problem places and new restaurants. Ms. Martin agreed that we should be focusing on new business coming into Andover and being business friendly. Mr. Carbone informed the BOH that within the next two weeks Community Development and Planning should be staffed to the level we were before we lost the two full-time positions, and the change of the once full-time Health Inspector to a part-time position in 2009. Grant funding is still available for the Greater Lawrence Coalition and Tobacco Control Programs, but could change at any time due to cuts from the Federal Government.
- **Fish Brook Watershed Advisory Committee Recommendations** – Mr. Carbone stated that in 2010 when the Watershed Advisory Committee finished its work and gave its recommendations, there were serious issues that came up at the Water Treatment Plant, so the recommendations were not addressed at that time. Due to the current staffing at the Town, some of the things recommended cannot be done. Ms. Martin stated that the only question she had was about the sodium levels going up in Haggetts Pond. Mr. Carbone replied that the Water Quality Report is usually behind, and thinks the levels will go down after the next report. The sodium in the groundwater takes time to travel so even if those numbers were accurate for this past winter, it may be one to two years before we

see those numbers drop. Haggetts Pond is still influenced by groundwater in a major way. The Committee didn't comment on that issue because they did not have the full picture. Mr. Carbone just received a note from Jim McSurdy at the Water Treatment Plant and they found the data loggers the committee installed but they have stopped working because the batteries died. He has a contract in place to replace them, so a year's worth of data may have been lost. They are looking to see if they can tap into those transducers and at least pull the data from them.

- **Letter in Correspondence Concerning a complaint about Cooking Oil stored in a Garage** – There was a Tenant who was storing oil in the garage for fuel for his car, but another Tenant complained, so he moved the containers to the basement, and then the homeowner complained. Mr. Carbone visited the site with Lt. Todd Pomerleau of the Andover Fire Department and then sent a letter to the tenant addressing the proper way to store the containers.

#### IV. Old Business

- **Update on Flu Clinics** – Mr. Carbone informed the Board that the Public Health Nurses have been having Flu Clinics in the schools in October and are almost finished. Going to the schools to immunize the children helps to alleviate some of the congestion at the public clinics and also makes it easier on the parents. The two Public Flu Clinics will be next month.
- **Update on Housing Code Violations at 1 Reservation Road per letter in Correspondence** – Mr. Carbone stated that he had wanted to file a complaint with the Housing Court, but over the last few days he has communicated with the homeowner who has fixed all the violations from a year ago. Mr. Carbone is waiting for his response on the status of the current violations.

#### V. Definitive Subdivision Plans

- N/A

#### VI. Plan Review

- **DWRP Variance/Local Upgrade Approval**
  - **9 Irongate Drive – LUA to Allow Leaching Facility to be 4' above Groundwater, 5' Required** - Mr. Carbone stated that at the September 17, 2012 BOH Meeting, he polled the Board concerning this address, but no action was taken at that time until Mr. Carbone had more time to review the plans. Mr. Carbone recommended that the BOH grant the required LUA.

*Motion by Ms. Martin, seconded by Ms. Kellman to grant the LUA to allow the leaching facility to be 4' above groundwater, where 5' is required. Unanimous approval.*

## **VII. Staff Reports**

### **A. Director's Reports:**

- **Important Dates:**

- MHOA Conference - October 24, 25, & 26
- Flu Clinic – November 8, 2012, 4 p.m. – 7 p.m. at West Middle School
- Flu Clinic – November 19, 2012, 4 p.m. – 7 p.m. at the Andover Senior Center
- Board of Health Meeting - November 19, 2012 at 6 p.m.
- Board of Health Meeting – December 10, 2012 at 6 p.m.

**B. Nurses' Report for September, 2012** - The Nurses' Report for September, 2012, was for informational purposes only.

**C. Inspectors' Reports for September, 2012** – The Inspectors' Reports for September, 2012 were for informational purposes only.

## **VIII. Board Member Reports**

- N/A

## **IX. Adjournment**

*Motion by Ms. Martin, seconded by Ms. Kellman, to adjourn at 7:10 p.m. Unanimous approval.*